

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**IN RE WESTERN STATES
WHOLESALE NATURAL GAS
ANTITRUST LITIGATION**

MDL NO. 1566

THIS DOCUMENT RELATES TO:

Base Case No. 2:03-cv-01431-RCJ-PAL

Arandell Corp., et. al. v. Xcel Energy, Inc., et. al.

Case No. 2:07-cv-01019-RCJ-PAL

STIPULATION AND JOINT MOTION

WHEREAS, on May 24, 2016, the Court in the above-actioned case entered an Order, ECF No. 2416, granting Defendant CenterPoint Energy Services, Inc.’s (“CES”) motion for summary judgment, ECF No. 2286, in the above captioned matter.

WHEREAS, on June 10, 2016, the Plaintiffs in the above captioned matter (the “Arandell Plaintiffs”) filed a motion for entry of final judgment, ECF No. 2434, moving the Court to enter final judgment dismissing CES from the action so that the Arandell Plaintiffs could initiate an appeal (the “Arandell Plaintiffs’ Motion for Entry of Final Judgment”).

WHEREAS, on June 24, 2016, CES filed a response, ECF No. 2472, consenting to the entry of judgment and providing a form for the Court’s use in entering judgment.

WHEREAS, on July 8, 2016, the Arandell Plaintiffs filed a reply brief, ECF No. 2496, in which they expressed concern that the judgment form provided by CES (1) would preclude the Arandell Plaintiffs ability to appeal by backdating the date of judgment, and (2) required greater specificity in its stated findings. The Arandell Plaintiffs offered a Proposed Judgment, ECF No. 2496-2, that addressed these concerns.

WHEREAS, on August 31, 2016, the Court entered its Order Setting Hearing, ECF No. 2559, setting several pending motions for oral argument on December 8, 2016, including the

Arandell Plaintiffs' Motion for Entry of Final Judgment.

WHEREAS, CES and the Arandell Plaintiffs are in agreement that the Arandell Plaintiffs' Motion for Entry of Final Judgment should be granted and judgment entered in the form provided by the Arandell Plaintiffs, ECF No. 2496-2. For the Court's convenience, that form is resubmitted as an exhibit to this Stipulation and Joint Motion.

WHEREAS, CES and the Arandell Plaintiffs are in further agreement that, absent specific questions that the Court may have, oral argument is unnecessary

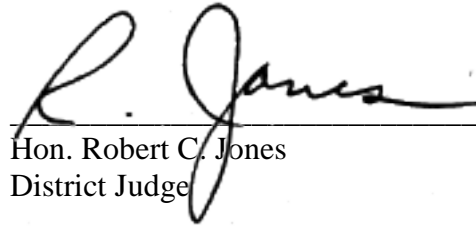
NOW THEREFORE, the parties hereby stipulate and jointly move the Court to: (1) order that Arandell Plaintiffs' Motion for Entry of Final Judgment is hereby granted; (2) enter final judgment in the form provided by the Arandell Plaintiffs in ECF No. 2496-2 and attached to this Stipulation and Joint Motion; and (3) remove the Arandell Plaintiffs' Motion for Entry of Final Judgment from the list of scheduled motions that are being heard on December 8, 2016.

IT IS THEREFOR ORDERED that the Arandell Plaintiffs' Motion for Entry of Final Judgment is hereby granted.

IT IS FURTHER ORDERED that final judgment be entered in favor of CES, in the form provided by the Arandell Plaintiffs in ECF No. 2496-2 and attached to this Stipulation and Joint Motion.

IT IS FURTHER ORDERED that arguments on the Arandell Plaintiffs' Motion for Entry of Final Judgment are no longer necessary and will no longer be held on December 8, 2016.

IT IS SO ORDERED:



Hon. Robert C. Jones
District Judge

DATED: This 18th day of October, 2016.

Respectfully submitted,

On behalf of CenterPoint Energy Services, Inc.

By: /s/ Mark R. Robeck

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CENTERPOINT ENERGY SERVICES, INC.

-and-

With Authorization, on behalf of the Arandell Plaintiffs

By: /s/ Ryan M. Billings

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CORPORATION, CARTHAGE COLLEGE,
LADISH CO., INC., MERRICK'S, INC., AND
SARGENTO FOODS, INC. ("ARANDELL
PLAINTIFFS")

CERTIFICATE OF SERVICE

I certify a copy of this pleading was filed electronically on the CM/ECF System on September 14, 2016, which caused all CM/ECF participants to be served by electronic means, as is more fully shown by the Court's Notice of Electronic Filing.

By: /s/ Mark R. Robeck

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 In re: Western States Wholesale Natural Gas
4 Antitrust Litigation

5 [PROPOSED] JUDGMENT IN A CIVIL CASE

6 MDL Docket No. 1566
7 CV-S-03-1431-RCJ (PAL) BASE FILE

8 Case Number: 2:07-CV-01019-RCJ (PAL)

- 9 ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have
10 been tried and the jury has rendered its verdict.
- 11 ☒ **Decision by Court.** This action came to trial or hearing before the Court. The
12 issues have been tried or heard and decision has been rendered.
- 13 ☐ **Notice of Acceptance with Offer of Judgment.** A notice of acceptance with offer
14 of judgment has been filed in this case.

15 THE COURT HAS ORDERED THAT:

16 On May 24, 2016, the Court issued an Order (ECF No. 2416) granting CenterPoint Energy
17 Services, Inc.'s ("CES") Motion for Summary Judgment (ECF No. 2286), in the matter
18 entitled *Arandell Corp., et al. v. Xcel Energy, Inc., et al.*, 2:07-CV-01019-RCJ-PAL. The Court
19 subsequently granted the Arandell Plaintiffs'¹ Motion for Entry of Final Judgment Pursuant to
20 Rule 54(b). The Court finds that judgment in favor of CES pursuant to its May 24 Order is a
21 final judgment under Rule 54(b). The Court further finds that the issues involved in its May 24
22 Order are severable and specific to CES, and not likely to recur on matters still pending before
23 the Court. Furthermore, the Court finds that entering final judgment will avoid unnecessary
24 duplication of proceedings, prevent harsh and unjust results to the parties, and further the
25 expeditious resolution of these proceedings. Therefore, Final Judgment is hereby entered as
26 follows:

18 All of the Arandell Plaintiffs' claims in their Third Amended Complaint (ECF No. 1846 in
19 2:03-CV-01431-RCJ-PAL) are dismissed with prejudice against CES. To the extent this Final
20 Judgment results in judgment against fewer than all Defendants and/or judgment on fewer than
21 all claims in the above-captioned action, the Court directs that Final Judgment be entered on all
22 claims against CES, as no just reason for delay exists.

23 _____
24 CLERK

25 _____
26 DATE

27 _____
(By) DEPUTY CLERK

¹ Arandell Corporation, Briggs & Stratton Corporation, Carthage College, Ladish Co., Inc., Merrick's, Inc., and Sargento Foods, Inc.